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In re Application of
Melvin Harper et al
Application No. 10/707,268
Filed: December 2, 2003
For: RISER FOR NARROW CARVING SKIS

ON PETITION

This is in regard to your decision on the petition under 37 CFR 1.137(b), filed December 13, 2004, to revive the above-identified application.

The petition was dismissed because:

- (1) Petitioner has failed to pay the required statutory basic filing fee of \$395.00 and surcharge of \$65.00 under 37 CFR 1.53(e).
- (2) Petitioner has failed to pay the fee of \$750.00 for a petition to revive under the unintentional standard of 37 CFR 1.137(b) for a small entity.

The total fees of \$525.00 now due under these two requirements, after deducting the actual fees paid in the earlier application made on December 13, 2004, are enclosed (see attached check).

In addition, the signature of the second inventor, omitted from the earlier application on the telephone advice of the patent office person with whom I discussed both the fees due and whether the second inventor was to sign the application, is now attached to this application.

Very truly yours,

Melvin Harper
Melvin Harper
Luke Harper
Luke Harper

Adjustment date: 01/31/2005 MAHMED1
12715/2004 HALI11 00000025 10707268
01 FC:2453 -685.00 OP

01/31/2005 MAHMED1 00000070 10707268

01 FC:2001	395.00	OP
02 FC:2051	65.00	OP
03 FC:2453	750.00	OP



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JAN 27 2005
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JAN 05 2005

OFFICE OF PETITIONS

In re Application of :
Melvin Harper et al :
Application No. 10/707,268 : ON PETITION
Filed: December 2, 2003 :
For: RISER FOR NARROW CARVING SKIS :

This is a decision on the petition under 37 CFR 1.137(b), filed December 13, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed February 24, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 25, 2004.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed, for failure to pay the issue fee or any portion thereof; (2) the petition fee as set

forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks items (1) and (2) above.

As to item (1), petitioner has failed to pay the required statutory basic filing fee and surcharge under 37 CFR 1.53(e) listed on the "Notice to File Missing Parts of Nonprovisional Application." The current filing fee is \$395.00, and the current surcharge is \$65.00.

As to item (2), the fee for a petition to revive under the unintentional standard of 37 CFR 1.137(b) for a small entity is \$750.00. With the present petition, petitioner has only submitted \$685.00. Therefore, an additional \$65.00 is required.

Accordingly, a consideration on the merits of the present petition cannot be made until the \$525.00 fee deficiency is submitted to the Office.

The petition lacks the signature of the second inventor. 37 CFR 1.33(b) states that amendments and others, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) An assignee as provided for under § 3.71(b); or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71.

Therefore, the Change of Correspondence Address filed December 13, 2004 has not been entered and made of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
220 20th Street S
Customer Window, Mail Stop Petitions
Crystal Plaza Two Lobby, Room 1B03
Arlington, VA 22202

By fax: (703) 872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Wan Laymon at
(571) 272-3220.

Wan Laymon
Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: MELVIN HARPER
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LITTLETON, CO 80125